

RECEIVED
CENTRAL FAX CENTER

WOOD, HERRON & EVANS, L.L.P.

FEB 16 2006

BRUCE TITTEL
DAVID S. STALLARD
J. ROBERT CHAMBERS
GREGORY J. LUNN
KURT L. GROSSMAN
CLEMENT H. LUKEW, JR.
THOMAS J. BURGER
GREGORY F. AHRENS
WAYNE L. JACOBS
KURT A. SUMME
KEVIN G. ROONEY
KEITH R. HAUPT
THEODORE R. REMAKLUS
THOMAS W. HUMPHREY
SCOTT A. STINEBRUNER
DAVID H. BRINKMAN
BEVERLY A. LYMAN, PH.D.
KRISTI L. DAVIDSON
KATHRYN E. SMITH
P. ANDREW BLATT, PH.D.
DAVID E. JEFFERIES

2700 CAREW TOWER
441 VINE STREET
CINCINNATI, OHIO 45202-2917
TELEPHONE: 513-241-2324
FACSIMILE: 513-241-6234
WEBSITE: www.whoepatent.com

PATENT, TRADEMARK, COPYRIGHT
AND UNFAIR COMPETITION LAW
AND RELATED LITIGATION

EDMUND P. WOOD 1923-1968
TRUMAN A. HERRON 1935-1976
EDWARD B. EVANS 1936-1971

JOSEPH R. JORDAN
C. RICHARD EBY
WILLIAM R. ALLEN, PH.D.
JOHN PAUL DAVIS
DOUGLAS A. SCHOLER
BRETT A. SCHATZ
DAVID W. DORTON
SARAH OTTE GRABER
STEVEN W. BENINTENDI, PH.D.
RANDALL S. JACKSON, JR.
OF COUNSEL
JOHN D. POFFENBERGER
DAVID J. JOSEPHIC
DONALD F. FREI
THOMAS W. FLYNN
J. DWIGHT POFFENBERGER, JR.
BRADLEY D. BECK

February 16, 2006

FACSIMILE COVER SHEET

To: Examiner William L. Bashore
Art Unit 2176
Mail Stop Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22213-1450

Fax: 571-273-8300

Enclosures:

Fax Cover Sheet containing Certificate of
Facsimile Transmission (1 page)
Transmittal containing Certificate of Facsimile
Transmission and Authorization to Charge
Deposit Account 23-3000 in the amount of
\$620.00 (including \$120.00 for the 1-Month
Extension of Time Fee and \$500.00 for the
Appeal Brief Fee) (2 pages)
Appeal Brief (including cover sheet, 18 pages
Appeal Brief and 10 pages Claim Appendix
(29 total pages)

From: Scott A. Stinebruner
Reg. No. 38,323

Re: U.S. Patent Application
Serial No. 09/871,920
Filed: June 1, 2001
Applicant: Linda D. Edd et al.
Art Unit: 2176
Confirmation No.: 1378
Our Ref: IBM/199

Pages: 32 (including cover sheet)

MESSAGE/COMMENTS
OFFICIALCERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence and the enclosures noted herein (32 total pages, including cover sheet) are being transmitted via facsimile transmission to Examiner William L. Bashore, Art Unit 2176, Mail Stop AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 at 571-273-8300 on February 16, 2006.

Judith L. Volk
Judith L. Volk

February 16, 2006
Date

The information in this facsimile message is ATTORNEY-CLIENT PRIVILEGED, WORK PRODUCT and/or CONFIDENTIAL INFORMATION intended only for the use of the individual or entity to whom this message is addressed. If the reader of this message is not the intended recipient or the employee or agent responsible for delivering it to the intended recipient, you are hereby notified that any dissemination, distribution or reproduction of this communication is strictly prohibited. If you have received this communication in error, please immediately notify us by telephone and return the original message to us at the above address via mail. Thank you.

If transmission is interrupted or of poor quality, please notify us immediately by calling (513) 241-2324 and ask for the sender's assistant. OUR FAX NUMBER IS (513) 241-6234.

FEB 16 2006

PATENT

ATTY. DOCKET NO. IBM/199
Confirmation No. 1378**CERTIFICATE OF FACSIMILE TRANSMISSION**

I hereby certify that this correspondence and the enclosures noted herein (32 total pages, including cover sheet) are being transmitted via facsimile transmission to the U.S. Patent and Trademark Office, Mail Stop Appeal Brief - Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 at 571-273-8300 on February 16, 2006.

Judith L. Volk
Judith L. VolkFebruary 16, 2006
Date**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant : Linda D. Edd et al. Art Unit: 2176
Serial No. : 09/871,920 Examiner: William L. Bashore
Filed : June 1, 2001
For : AUTOMATED MANAGEMENT OF INTERNET AND/OR WEB SITE
CONTENT

Cincinnati, Ohio 45202

February 16, 2006

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL OF APPEAL BRIEF (PATENT APPLICATION-37CFR 191)

1. Transmitted herewith is the APPEAL BRIEF in this application with respect to the Notice of Appeal received by the Office on November 16, 2005.

2. **STATUS OF APPLICANT**

This application is on behalf of

XX other than a small entity

— small entity

Verified Statement:

— attached

— already filed

02/17/2006 TLO111 00000047 233000 09871920

01 FC:1402 500.00 DA
02 FC:1251 120.00 DA

3. **FEE FOR FILING APPEAL BRIEF**

Pursuant to 37 CFR 1.17(f) the fee for filing the Appeal Brief is:

— Small entity \$250.00

XX Other than a small entity \$500.00

Page 1 of 2
Serial No. 09/871,920
Transmittal for Appeal Brief dated February 16, 2006
IBM Docket No.: ROC920010113US1
WH&E Docket: IBM/199

4. EXTENSION OF TIME

Applicant petitions for an extension of time under 37 C.F.R. 1.136(a) for the total number of months checked below:

<u>Months</u>		<u>Fee for other than small entity</u>	<u>Fee for small entity</u>
<u>X</u>	one month	\$ 120.00	\$ 60.00
_____	two months 450.00 225.00
_____	three months 1,020.00 510.00
_____	four months 1,590.00 795.00
_____	five months 2,160.00 1,080.00

Fee: \$ 120.00

If an additional extension of time is required, please consider this a petition therefor.

5. TOTAL FEE DUE

The total fee due is:

Appeal Brief Fee \$500.00

Extension Fee _____

6. FEE PAYMENT

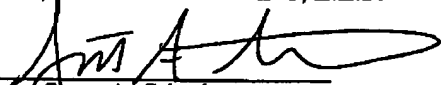
_____ Attached are checks in the sums of _____ and _____, respectively.

XX Charge fees to Deposit Account No. 23-3000.

7. FEE DEFICIENCY

XX Charge any additional extension fee required or credit any overpayment to Deposit Account No. 23-3000.

WOOD, HERRON & EVANS, L.L.P.

By 
 (Scott A. Stinebruner
 Reg. No. 38,323

2700 Carew Tower
 441 Vine Street
 Cincinnati, Ohio 45202
 (513) 241-2324

Attorney Docket No. IBM/199
Confirmation No. 1378

RECEIVED
CENTRAL FAX CENTER

FEB 16 2006

PATENT

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte Linda D. Edd, Terry Charles Lambert, Timothy Jerald McGuire and
Thomas Alan Stone

Appeal No. _____
Application No. 09/871,920

APPEAL BRIEF

PATENT

Attorney Docket No. IBM/199
Confirmation No. 1378**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Linda D. Edd et al. Art Unit: 2176
Serial No.: 09/871,920 Examiner: William L. Bashore
Filed: June 1, 2001 Atty. Docket No.: IBM/199
For: AUTOMATED MANAGEMENT OF INTERNET AND/OR WEB SITE CONTENT

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

APPEAL BRIEF**I. REAL PARTY IN INTEREST**

This application is assigned to International Business Machines Corporation, of Armonk, New York.

II. RELATED APPEALS AND INTERFERENCES

There are no related appeals or interferences.

III. STATUS OF CLAIMS

Claims 1-50 and 59 are pending in the Application, with claims 22, 26-28, 32, 42, 45-46 and 50 each being once amended, claims 51-58 being canceled, and claim 59 being added. All pending claims stand rejected, and are now on appeal.

IV. STATUS OF AMENDMENTS

No amendments have been filed subsequent to final rejection (Paper mailed 08/16/2005).

Page 1 of 18
Serial No. 09/871,920
Appeal Brief dated February 16, 2006
Notice of Appeal dated November 16, 2005
IBM Docket ROC920010113US1
WH&E IBM/199

V. SUMMARY OF CLAIMED SUBJECT MATTER

Applicants' invention is generally directed to an apparatus, program product, and method in which content from a content-controlled database (e.g., web pages or other files maintained in a web site) is managed using a content management record linked to each content-controlled content item in the database. Each content management record is utilized in conjunction with a multi-stage content management process, where at least one stage is a review stage during which approval of an associated content item for a content management record is obtained. As a result of receiving appropriate approval, such an associated content item may be promoted and made available to users of the content-controlled database, with the content management record updated to reflect such a status of the associated content item. (Application, p. 4, ll. 1-12). Support for the subject matter of independent claims 1, 32, 50 and 59, all of which recite Applicants' invention to various extents, may be found in the Application at p. 4, ll. 1-12, p. 7, ll. 1-9, p. 9, ll. 1-18, p. 11, ll. 3-20, and p. 13, ll. 3-11.

Applicants' invention, in particular, addresses a need that has arisen as a result of the increased importance, complexity and extent of web sites and other online content. For many enterprises, web sites function as an electronic "front door" to its customers and business partners, and as a result the quality, accuracy, completeness of the information, or "content", presented on a web site, as well as the functionality and navigability of the web site, can have a significant effect on customer and business partner relations (Application, p. 2, ll. 3-12). In addition, as with any published content (whether electronic or non-electronic in nature), web site content can potentially expose an enterprise to significant legal liability, and often necessitate that legal personnel review the content on a regular basis to ensure that it complies with applicable laws (Application, p. 2, ll. 12-22). Web sites may also be international in nature, and require that content be made available in multiple languages, requiring the content in each language to be consistent across the web site.

Web sites are also typically in a constant state of flux, with new information being added nearly every day. Due to the volume of information, and the various types of reviews that must be undertaken to produce and maintain a high quality web site, most web sites require the collaboration of a large number of individuals, including the authors that create content, the web

developers that format the content into appropriate HTML documents with a consistent look and feel, and various managers and reviewers that ensure content accuracy, currency and compliance with legal requirements (Application, p. 3, ll. 3-15).

Given the significant manpower resources required to create and update a web site, management of a web site, in general, is often cumbersome and extremely manually-intensive. Given also the large number of individuals that may be involved with various aspects of web site development and updating, interfacing the various individuals to ensure that all content is accurate and up-to-date is often haphazard and inefficient (Application, p. 3, ll. 16-21).

Embodiments consistent with the invention address these difficulties through the use of a database of content management records that are linked to content items in a content-controlled database. The content management records are updated as their associated content items are processed through multiple stages of a content management process. Furthermore, the records are eventually updated to indicate when an associated content item has been "promoted", which results in the content item being made user accessible in the content-controlled database (Application, p. 4, ll. 1-12).

Other embodiments consistent with the invention may implement additional functionality. For example, some embodiments may include a country review stage to review country-specific requirements (Application, p. 30, ll.8-16), an approval stage where a review is conducted by an individual having responsibility for all of the content in the database (Application, p. 19, l. 30 to p. 20, l. 8) and/or a develop stage where a content item is formatted for inclusion in the database (Application, p. 19, ll. 2-9). Some embodiments may also return content items to earlier stages in response to non-approval at a review stage (Application, p. 25, ll. 23-29). Some embodiments may promote an item by copying the item to a web server, which may additionally include copying to a staging server that is periodically synchronized with a production server (Application, p. 13, ll. 3-11). Some embodiments may defer promotion of an item until a predetermined date, and promote the item once the current date matches the predetermined date (Application, p. 27, ll. 5-11). Still other embodiments may require a content item to undergo an update review process after the item has been promoted, and the date of the process may be controlled so that the process will be undertaken on a predetermined date (Application, p. 28,

11.1-19). In connection with an update review process, an author may be notified, and reminders may be provided to an author and/or a reviewer if no update review is completed in a timely manner (Application, p. 28, 11.1-19). Furthermore, a content item may be demoted if an update review is not completed in time (Application, p. 28, 11.1-19). Some embodiments may also define parent-child relationships between content items such that a review will be initiated on one item in response to modification to another item, e.g., based upon the items having different languages, regions, or countries (Application, p. 4, 11. 25-30), or such that a child document may be automatically constructed from information associated with a parent item.

VI. GROUND OF REJECTION TO BE REVIEWED ON APPEAL

Claims 1-50 and 59 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,706,452 to Ivanov (hereinafter "*Ivanov*") in view of U.S. Patent Application Publication No. 2002/0161597 to Klibaner (hereinafter "*Klibaner*").

VII. ARGUMENT

Applicants respectfully submit that the Examiner's obviousness rejections of claims 1-39 are not supported on the record, and that the rejections should be reversed. A *prima facie* showing of obviousness requires that the Examiner establish that the differences between a claimed invention and the prior art "are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art." 35 U.S.C. §103(a). Such a showing requires that all claimed features be disclosed or suggested by the prior art. Such a showing also requires objective evidence of the suggestion, teaching or motivation to combine or modify prior art references, as "[c]ombining prior art references without evidence of such a suggestion, teaching or motivation simply takes the inventor's disclosure as a blueprint for piecing together the prior art to defeat patentability -- the essence of hindsight." In re Dembiczak, 50 USPQ2d 1614, 1617 (Fed. Cir. 1999)."

Applicants respectfully submit that, in the instant case, the Examiner has failed to establish a *prima facie* case of obviousness as to any of the pending claims, and as such, the

Page 4 of 18
Serial No. 09/871,920
Appeal Brief dated February 16, 2006
Notice of Appeal dated November 16, 2005
IBM Docket ROC920010113US1
WH&E IBM/199

rejections should be reversed. Specific discussions of the non-obviousness of each of the aforementioned groups of claims are presented hereinafter.

Independent Claim 1

This claim generally recites a method of managing content in a content-controlled database. The method includes linking a content management record to a content item to be incorporated into a content-controlled database. The content management record stores content management information associated with the content item. The method further includes processing the content item through a plurality of stages of a content management process, including updating the content management information stored in the content management record during each stage of the content management process, wherein the plurality of stages includes at least one review stage during which approval of the content item is obtained, and promoting the content item as a result of the content management process such that the content item is user accessible from the content-controlled database, including updating the content management information stored in the content management record to indicate that the content item has been promoted.

In rejecting claim 1, the Examiner relies on *Ivanov* and *Klibaner*. *Ivanov* discloses a method for managing the evaluation of documents by a plurality of users. However, as acknowledged by the Examiner in ¶4 of the Final Office Action dated August 16, 2005, *Ivanov* does not disclose the promotion of content to make the content "user accessible" in a database, as is required by claim 1. Indeed, the passage that the Examiner relies upon to allegedly disclose approving content (at col. 26, line 30 to col. 27, line 12) relates to approval of a product proposal, and speaks nothing toward controlling access to the product proposal, or any other content, in a content-controlled database. *Ivanov*, at col. 26, lines 30-44 specifically states that the result of the review process is "a pass/fail collective verdict" (lines 35-36), or a process whereby lower ranking reviewers suggest approval or disapproval, but a final verdict is made by higher ranking reviewers (lines 38-40). The end result, however, is that a proposal is approved or rejected, but the accessibility of the proposal to users of a database is never modified in any fashion.

The Examiner instead relies on *Klibaner*, and specifically Fig. 1 and the passages at paragraphs [0025], [0048] and [0070], for allegedly disclosing confidentiality/ publishing functionality that Applicants assume the Examiner considers to be analogous to promoting content to make it user accessible in a database.

It is important to note, however, that claim 1 specifically recites that the promotion of content is "as a result of the content management process", and further is done "such that the content item is user accessible from the content-controlled database." *Klibaner* neither discloses nor suggests any functionality analogous to these features.

Klibaner merely discloses a collaborative method for establishing rules to be used in a dispute resolution process. To establish the rules, each party in a dispute is asked to provide their preferences for certain rules, regulations and procedures they would like to follow in the dispute resolution process. Where the preferences of the different parties match, those preferences are used. Where the preferences do not match, parties may be prompted to amend their preferences, or other procedures may be used to resolve the differences (paragraph [0014]). A list of the types of rules, regulations and procedures that may be used is provided in paragraphs [0038]-[0048].

The Examiner apparently focuses on one of these potential rules, found in paragraph [0048], captioned "decision can be published". Of note, however, this rule relates to whether the decision, once rendered by a neutral decision maker, can be published for others to view. There is nothing in the reference that suggests that the publication of a decision is in any way automated by the *Klibaner* system, or is in any way responsive to any content management process. Indeed, there is nothing in the reference that indicates that a decision document is ever stored in the *Klibaner* database, or is ever published from that system. Moreover, considering that a preferred embodiment uses the rule selections to generate a contract that is agreed upon by the parties once all rules are agreed upon, it is readily apparent that *Klibaner* does not contemplate using a selection of a "decision can be published" rule to mean anything more than indicating that, once a decision has been reached in a dispute, that decision can be published by the decision maker or by one of the parties at a later date.

Claim 1 requires the promotion of a specific item of content as a result of a content management process that includes a stage whereby approval of the content item is obtained,

where such promotion renders the item accessible to users. The "decision can be published" rule in *Klibaner* that is relied upon by the Examiner falls far short of suggesting any of such features, since there is no suggestion in the reference that the rule is used programmatically to manage any content (if anything, the rule itself is part of the content). Only through the improper use of hindsight would one be motivated to read *Klibaner* to suggest that a "decision can be published rule" would ever be used for the purpose of programmatically changing user access rights to content in a content-controlled database as a result of "promoting" a content item.

The Examiner also apparently focuses on paragraph [0070] of *Klibaner*, which discloses the publication of statistics regarding what rules are frequently chosen by parties to disputes. However, there is absolutely no nexus between the publication of statistics and any sort of content management process, or of any promotion or approval of content. The paragraph is silent as to how the statistics are published, or by what process publication of the statistics is authorized.

It is also important to note that claim 1 also recites "updating the content management information stored in the content management record to indicate that the content item has been promoted" (*emphasis added*). The Examiner did not address this specific limitation in the rejection, however, since *Ivanov* does not disclose promoting a content item (as acknowledged by the Examiner), *Ivanov* similarly cannot be interpreted to disclose or suggest updating content information to indicate that a content item "has been" promoted. *Klibaner*, similarly does not disclose or suggest this feature. Indeed, the passage at paragraph [0048] of *Klibaner*, which the Examiner principally relies upon in connection with content promotion, refers to a "decision can be published" rule (*emphasis added*). While Applicants are of the belief that this rule does not even disclose or suggest promoting a content item to make it user accessible in a database, even if an assumption was made that *Klibaner* did suggest such promotion, *Klibaner* would be referring to the promotion of a content item that does not and could not even exist at the time the "promotion" occurs. Given that *Klibaner* is directed toward creating rules to use at the outset of a dispute resolution process, which necessarily occurs prior to the rendering of any decision, Applicants respectfully submit that the reference cannot be interpreted to disclose or suggest indicating that a content item "has been promoted."

The Examiner also argues, in ¶5 of the Final Office Action, that:

Klibaner teaches a dispute resolution process incorporating various parties, as well as a database for holding content information. *Klibaner* teaches content may be available to all parties, or some parties, etc., as well as teaching levels of confidentiality and an option: "*decision can be published*". It is noted that the pending independent claims do not specifically require automation. In addition, *Klibaner's* notation of various [sic] document's and decisions for publication is a form of "promotion". Since disputes are often associated with legal action, publishing a resolution decision promotes said decision (and its history, etc.) for possible use in various future litigations, etc., much in the same way Federal Circuit case decisions influence the direction of future legal prosecution.

In response to the Examiner's argument that the claims do not specifically require automation, Applicants respectfully disagree. With respect to independent claims 32, 50 and 59, the functions that the Examiner refers to are explicitly performed by programs or services. With respect to independent claim 1, the feature of "promoting" a content item is specifically "in response to [a] content management process," and includes the step of "updating the content management information stored in [a] content management record to indicate that [a] content item has been promoted." These features necessarily involve an automated process.

In response to the Examiner's argument that *Klibaner's* disclosure of different levels of confidentiality, including the option that a decision can be published, corresponds to "promotion" since publication "promotes" a decision to be used in future litigations, Applicants submit that the Examiner has taken a definition of "promotion" that is different from that which would be understood by one of ordinary skill in the art reading Applicants' disclosure.

Furthermore, as noted above, stating that a decision may be published in the future falls far short of disclosing or suggesting the promotion of a content item to make that content item user accessible in a content-controlled database, or the updating of a content management record to indicate that a content item "has been promoted." Indeed, the Examiner has apparently taken the position that a decision is a "content item," but by doing so, the Examiner appears to ignore the fact that claim 1 also requires that a content item have an associated content management record, and that the content management record be updated to indicate that its associated content item has been promoted. Decisions are not managed at all by the *Klibaner* system, but are rather

Page 8 of 18
Serial No. 09/871,920
Appeal Brief dated February 16, 2006
Notice of Appeal dated November 16, 2005
IBM Docket: ROC920010113US1
WH&E IBM/199

end results of a dispute resolution process that occurs after the *Klibaner* system has generated a contract for the parties to a dispute. There is simply no disclosure in the reference of tracking decisions, associating such decisions with content management records, or indicating in a content management record that an associated decision has been promoted to provide user access.

Applicants therefore respectfully submit that *Klibaner* does not suggest modifying *Ivanov* in the manner suggested by the Examiner. Neither reference appreciates that content may be promoted as a result of a content management process that includes approval of the content, or that any such promotion can be used to render the content user accessible. Nor does either reference appreciate that a content management record may be updated to indicate that its associated content has been promoted. Accordingly, the combination of *Ivanov* and *Klibaner* falls short of disclosing or suggesting claim 1. Applicants therefore respectfully submit that the claim 1 is novel and non-obvious over the prior art of record. Reversal of the Examiner's rejection of claim 1, and allowance of the claim, are therefore respectfully requested.

Independent Claims 32 and 50

Next, with respect to independent claims 32 and 50, each of these claims recite in part the concept of processing a content item through a plurality of stages of a content management process that includes at least one review stage during which approval of the content item is obtained, and promoting the content item as a result of the content management process such that the content item is user accessible from the content-controlled database. Each claim also recites the updating of a content management record to indicate that an associated content item has been promoted. As discussed above in connection with claim 1, this combination of features is not disclosed or suggested by *Ivanov* and *Klibaner*.

Furthermore, it should be noted that each of these claims recites a program for performing each of the functions recited in the claim, including that of promoting a content item as a result of a content management process to make a content item accessible from a content-controlled database, and updating content management information to indicate that a content item has been promoted. Accordingly, the Examiner's arguments that the pending claims do not require automation is incorrect as to these particular claims. As noted above, there is no disclosure or

suggestion in either *Ivanov* or *Klibaner* of a program configured to promote a content item in a content-controlled database as a result of a content management process.

Accordingly, Applicants respectfully submit that claims 32 and 50 are novel and non-obvious over the prior art of record for the same reasons as presented above for claim 1, and for the additional reasons presented above. Reversal of the Examiner's rejections of claims 32 and 50, and allowance of the claims, are therefore respectfully requested.

Independent Claim 59

Claim 59 recites a method of providing a content management service for managing content in a content-controlled database. The method recites providing services for providing the various steps recited in claim 1. As the combination of steps recited in claim 1 are novel and non-obvious over the prior art of record for the reasons set forth above in connection with claim 1, Applicants submit that the provision of services to perform these steps is likewise patentable over the art of record.

Furthermore, similar to claims 32 and 50, claim 59 expressly recites computer-implemented functionality (i.e., services) for performing each of the functions recited in the claim, including that of promoting a content item as a result of a content management process to make a content item accessible from a content-controlled database, and updating content management information to indicate that a content item has been promoted. Accordingly, the Examiner's arguments that the pending claims do not require automation is also incorrect as to this particular claim. As noted above, there is no disclosure or suggestion in either *Ivanov* or *Klibaner* of a service configured to promote a content item in a content-controlled database as a result of a content management process.

Accordingly, Applicants respectfully submit that claim 59 is novel and non-obvious over the prior art of record for the same reasons as presented above for claim 1, and for the additional reasons presented above. Reversal of the Examiner's rejection of claim 59, and allowance of the claim, are therefore respectfully requested.

Dependent Claims 2-12 and 33-38

Claims 2-12 and 33-38 are not separately argued.

Dependent Claim 13

Claim 13 depends from claim 1, and additionally recites that "the plurality of stages includes a country review stage during which at least one country-related entity reviews the content item based upon country-specific requirements." In rejecting claim 13, the Examiner argues at page 4 of the Final Office Action that copyright laws are generally country-specific, and that *Ivanov* teaches copyright reviewers, citing col. 26, lines 59-64. While Applicants are not even sure that "copyright review" as used in *Ivanov* corresponds to reviewing content for compliance with copyright laws, Applicants respectfully submit that the Examiner is using hindsight to interpret copyright review to encompass reviewing content for country-specific requirements. As noted above, many web sites and other content-controlled databases are required to be made accessible in multiple countries, requiring the specific requirements of each of those countries to be taken into account. The Examiner is taking an excessively broad interpretation of the language in *Ivanov* -- one that is necessarily reliant on hindsight. Accordingly, Applicants respectfully submit that claim 13 is non-obvious over the cited references, and reversal of the Examiner's rejection of the claim is respectfully requested.

Dependent Claim 14

Claim 14 depends from claim 1, and additionally recites that "the plurality of stages includes an approval stage during which a content manager having responsibility for all of the content in the content-controlled database reviews the content item." In rejecting claim 14, the Examiner groups the claim together with a number of other claims, without specifically addressing the particular limitations in the claim. Nonetheless, Applicants can find no disclosure in either reference of an approval stage performed by a content manager having responsibility for "all of the content" in a content-controlled database. Accordingly, Applicants respectfully submit that the Examiner has failed to meet the burden of establishing a *prima facie* case of obviousness

as to claim 14. Reversal of the Examiner's rejection of the claim is therefore respectfully requested.

Dependent Claim 15

Claim 15 depends from claim 1, and additionally recites that "the plurality of stages includes a develop stage during which the content item is formatted for inclusion in the content-controlled database." In rejecting claim 15, the Examiner groups the claim together with a number of other claims, without specifically addressing the particular limitations in the claim. Nonetheless, Applicants can find no disclosure in either reference of a develop stage during which a content item is formatted for inclusion in a database. Given that *Ivanov* is directed to software proposals, there does not appear to be any disclosure in the reference for a review of how the content will be formatted, as is the concern for content incorporated into a web site or similar database where the presentation of the content is often as important as the content itself. Accordingly, Applicants respectfully submit that claim 15 is non-obvious over the cited references, and reversal of the Examiner's rejection of the claim is respectfully requested.

Dependent Claims 16 and 39

Claim 16, which is similar to claim 39, depends from claim 1, and additionally recites that "processing the content item through the content management process includes returning the content item to an earlier stage in the content management process in response to non-approval of the content item during the review stage." In rejecting claim 16, the Examiner groups the claim together with a number of other claims, without specifically addressing the particular limitations in the claim. Nonetheless, Applicants can find no disclosure in either reference of returning a content item to an earlier stage in response to non-approval of that item. It should be noted that the workflow graphs of *Ivanov* (e.g., in Figs. 4-5) are not shown as ever feeding back to earlier stages, and that *Ivanov* expressly characterizes these graphs as being "feed forward" in nature (see, e.g., col. 9, lines 47-49). There is no disclosure in the reference of returning to an earlier stage in response to non-approval at a later stage. Accordingly, Applicants respectfully submit

that claims 16 and 39 are non-obvious over the cited references, and reversal of the Examiner's rejections of the claims is respectfully requested.

Dependent Claims 17-18 and 40

Claims 17-18 and 40 are not separately argued.

Dependent Claims 19 and 20

Claim 19 depends from claim 1, and additionally recites that "promoting the content item includes copying the content item to a web server." Claim 20 depends from claim 19, and additionally recites that "copying the content item to the web server includes copying the content item to a staging server, the method further comprising copying the content item from the staging server to a production server automatically during automatic synchronization of the staging and production servers." In rejecting these claims, the Examiner takes the position that *Klibaner* discloses a web site drawing content from a database. However, claim 19 is not merely directed to a web server in the abstract -- the claim specifically refines the concept of "promotion" to incorporate the copying of a content item to a web server. *Ivanov*, as acknowledged by the Examiner, does not disclose promoting a content item, much less doing so by copying the content item to a web server. Furthermore, despite the fact that *Klibaner* discloses a web site, *Klibaner* does not disclose copying a content item to a web server. As discussed above in connection with claim 1, the Examiner has apparently taken the position that a "decision" is a content item, and Applicants can find no disclosure or suggestion in *Klibaner* to copy a decision to a web server in connection with "promoting" that decision.

Similarly, with respect to claim 20, the Examiner does not even address this claim in the rejection. Nonetheless, the concept of a staging server, or the concept of synchronizing a staging server with a production server, are not even arguably disclosed or suggested by either reference.

Accordingly, Applicants respectfully submit that claims 19 and 20 are non-obvious over the cited references, and reversal of the Examiner's rejections of the claims is respectfully requested.

Dependent Claims 21 and 41

Claim 21 (which is similar to claim 41) depends from claim 1, and additionally recites "after approval of the content item, deferring promotion of the content item until a predetermined date identified in the content management record." In rejecting claim 21, the Examiner again groups the claim together with a number of other claims, without specifically addressing the particular limitations in the claim. Nonetheless, Applicants can find no disclosure in either reference of deferring promotion of a content item until a predetermined date identified in a content management record. The cited passages in *Ivanov*, at col. 15, ll. 42-45 and col. 23, ll. 60-62, which the Examiner generically refers to as disclosing "recording specific dates," falls far short of performing any specific actions based upon dates that are recorded in a content management record. Moreover, the rule in *Klibaner* relating to a "decision can be published" does not specify any particular date for a decision to be published. Accordingly, Applicants respectfully submit that claims 21 and 41 are non-obvious over the cited references, and reversal of the Examiner's rejections of the claims is respectfully requested.

Dependent Claims 22 and 42

Claim 22 (which is similar to claim 42) depends from claim 21, and additionally recites that "deferring promotion of the content item until the predetermined date identified in the content management record includes periodically comparing a current date against the predetermined date identified in the content management record after approval of the content item is obtained, and promoting the content item when the current date matches the predetermined date identified in the content management record." In rejecting claim 22, the Examiner again groups the claim together with a number of other claims, without specifically addressing the particular limitations in the claim. Nonetheless, Applicants can find no disclosure in either reference of any periodic comparison of dates, much less doing so to determine when to promote a content item. Accordingly, Applicants respectfully submit that the Examiner has failed to meet the burden of establishing a *prima facie* case of obviousness as to claims 22 and 42. Reversal of the Examiner's rejections of the claims is therefore respectfully requested.

Page 14 of 18
Serial No. 09/871,920
Appeal Brief dated February 16, 2006
Notice of Appeal dated November 16, 2005
IBM Docket ROC920010113US1
WH&B IBM/199

Dependent Claims 23-24 and 43

Claim 23 depends from claim 1, additionally recites "initiating an update review process after [a] content item has been promoted." Claim 24 (which is similar to claim 43) additionally recites that "initiating the update review process includes notifying an author associated with the content item." Yet again, in rejecting these claims, the Examiner groups the claims together with a number of other claims, without specifically addressing the particular limitations in the claims. Nonetheless, Applicants can find no disclosure in either reference of any update review process that is performed after a content item has been promoted, or of any notification of an author in connection with initiating an update review process. Accordingly, Applicants respectfully submit that the Examiner has failed to meet the burden of establishing a *prima facie* case of obviousness as to claims 23-24 and 43. Reversal of the Examiner's rejections of the claims is therefore respectfully requested.

Dependent Claims 25 and 44

Claim 25 (which is similar to claim 44) depends from claim 23, and additionally recites "after promotion of [a] content item, periodically comparing a current date with an update review date identified in the content management record, wherein initiating the update review process is performed in response to the current date matching the update review date identified in the content management record." In rejecting claim 25, the Examiner again groups the claim together with a number of other claims, without specifically addressing the particular limitations in the claim. Nonetheless, Applicants can find no disclosure in either reference of any periodic comparison of dates, much less doing so to determine when to initiate an update review process. Accordingly, Applicants respectfully submit that the Examiner has failed to meet the burden of establishing a *prima facie* case of obviousness as to claims 25 and 44. Reversal of the Examiner's rejections of the claims is therefore respectfully requested.

Dependent Claims 26-27 and 45

Claim 26 depends from claim 23, additionally recites that "initiating the update review process includes reminding the author a time period after the update review process has been

Page 15 of 18
Serial No. 09/871,920
Appeal Brief dated February 16, 2006
Notice of Appeal dated November 16, 2005
IBM Docket ROC920010113US1
WH&E IBM/199

initiated if the update review process has not yet been completed." Claim 27 is similar to claim 26, but recites reminding a reviewer, and claim 45 recites reminding either an author or a reviewer. Yet again, in rejecting these claims, the Examiner groups the claims together with a number of other claims, without specifically addressing the particular limitations in the claims. Nonetheless, Applicants can find no disclosure in either reference of notifying an author or a reviewer of a need to perform an update review process if that process has not yet been completed. Accordingly, Applicants respectfully submit that the Examiner has failed to meet the burden of establishing a *prima facie* case of obviousness as to claims 26-27 and 45. Reversal of the Examiner's rejections of the claims is therefore respectfully requested.

Dependent Claims 28 and 46

Claim 28 (which is similar to claim 46) depends from claim 23, and additionally recites that "initiating the update review process includes initiating demotion of the content item a time period after the update review process has been initiated if the update review process has not yet been completed." In rejecting claim 28, the Examiner again groups the claim together with a number of other claims, without specifically addressing the particular limitations in the claim. Nonetheless, Applicants can find no disclosure in either reference of any automated "demotion" of a content item after an update review process has been initiated but not yet completed.

Klibaner, which the Examiner argues discloses promotion of a content item via the "decision can be published" rule, does not include any functionality for "unpublishing" a decision once published, which at a minimum would be required if the Examiner's interpretation of *Klibaner* is taken at face value. Accordingly, Applicants respectfully submit that claims 28 and 46 are non-obvious over the cited references, and reversal of the Examiner's rejections of the claims is respectfully requested.

Dependent Claims 29 and 47

Claim 29 (which is similar to claim 47) depends from claim 1, and additionally recites that "the content item is a parent content item," and recites the additional feature of "automatically initiating a review of a child content item linked to the parent content item in

response to modification of the parent content item." In rejecting claim 29, the Examiner again groups the claim together with a number of other claims, without specifically addressing the particular limitations in the claim. Nonetheless, Applicants can find no disclosure in either reference of any parent-child relationship between content items, much less any initiation of a review on one content item based upon a relationship with another item being modified. Accordingly, Applicants respectfully submit that the Examiner has failed to meet the burden of establishing a *prima facie* case of obviousness as to claims 29 and 47. Reversal of the Examiner's rejections of the claims is therefore respectfully requested.

Dependent Claims 30 and 48

Claim 30 (which is similar to claim 48) depends from claim 29, and additionally recites that "the parent content is associated with at least one of a first country, a first region, and a first language," and that "the child content item is associated with at least one of a second country, a second region, and a second language." In rejecting claim 30, the Examiner again groups the claim together with a number of other claims, without specifically addressing the particular limitations in the claim. Nonetheless, Applicants can find no disclosure in either reference of any parent-child relationship between content items where the content items are associated with different countries, regions or languages. Accordingly, Applicants respectfully submit that the Examiner has failed to meet the burden of establishing a *prima facie* case of obviousness as to claims 30 and 48. Reversal of the Examiner's rejections of the claims is therefore respectfully requested.

Dependent Claims 31 and 49

Claim 31 (which is similar to claim 49) depends from claim 29, and additionally recites that "the content management document is a parent content management document," and additionally recites "building a child content management document linked to the child content item using at least a portion of the content management information in the parent content management document." In rejecting claim 31, the Examiner again groups the claim together with a number of other claims, without specifically addressing the particular limitations in the

claim. Nonetheless, Applicants can find no disclosure in either reference of any parent-child relationship between content items, or of any functionality for building a child content management document from information in another document. Accordingly, Applicants respectfully submit that the Examiner has failed to meet the burden of establishing a *prima facie* case of obviousness as to claims 31 and 49. Reversal of the Examiner's rejections of the claims is therefore respectfully requested.

VIII. CONCLUSION

In conclusion, Applicants respectfully request that the Board reverse the Examiner's rejections of claims 1-50 and 59, and that the Application be passed to issue. If there are any questions regarding the foregoing, please contact the undersigned at 513/241-2324. Moreover, if any other charges or credits are necessary to complete this communication, please apply them to Deposit Account 23-3000.

Respectfully submitted,

WOOD, HERRON & EVANS, L.L.P.

Date: 16 FEB 2006

By: 

Scott A. Stinebruner
Reg. No. 38,323

2700 Carew Tower
441 Vine Street
Cincinnati, Ohio 45202
(513) 241-2324 - Telephone
(513) 241-6234 - Facsimile

*Claims Appendix: Claims on Appeal 09/871,920***IX. CLAIMS APPENDIX: CLAIMS ON APPEAL (S/N 09/871,920)**

1. (Original) A method of managing content in a content-controlled database, the method comprising:

(a) linking a content management record to a content item to be incorporated into a content-controlled database, the content management record storing content management information associated with the content item;

(b) processing the content item through a plurality of stages of a content management process, including updating the content management information stored in the content management record during each stage of the content management process, wherein the plurality of stages includes at least one review stage during which approval of the content item is obtained; and

(c) promoting the content item as a result of the content management process such that the content item is user accessible from the content-controlled database, including updating the content management information stored in the content management record to indicate that the content item has been promoted.

2. (Original) The method of claim 1, wherein the content management record comprises a groupware document.

3. (Original) The method of claim 1, wherein linking the content management record to the content item includes storing an identifier for the content item in the content management record.

4. (Original) The method of claim 1, wherein linking the content management record to the content item includes storing an identifier for the content management record in the content item.

Claims Appendix: Claims on Appeal 09/871,920

5. (Original) The method of claim 1, further comprising storing content management information from the content management document in the content item.

6. (Original) The method of claim 5, wherein storing content management information in the content item comprises generating meta data and adding the meta data to the content item.

7. (Original) The method of claim 1, wherein the content management record is further linked to a second content item in the content-controlled database.

8. (Original) The method of claim 1, wherein the content-controlled database comprises a web site accessible via the Internet.

9. (Original) The method of claim 1, wherein updating the content management information stored in the content management record during each stage of the content management process includes updating a status in the content management record that is associated with a current stage of the content management process.

10. (Original) The method of claim 1, wherein the plurality of stages includes a draft stage during which an author inputs content management information into the content management record.

11. (Original) The method of claim 1, wherein the plurality of stages includes a topic review stage during which at least one topic owner associated with a topic reviews the content item based upon such topic.

12. (Original) The method of claim 1, wherein the plurality of stages includes a legal review stage during which at least one legal entity reviews the content item based upon legal requirements.

Claims Appendix: Claims on Appeal 09/871,920

13. (Original) The method of claim 1, wherein the plurality of stages includes a country review stage during which at least one country-related entity reviews the content item based upon country-specific requirements.

14. (Original) The method of claim 1, wherein the plurality of stages includes an approval stage during which a content manager having responsibility for all of the content in the content-controlled database reviews the content item.

15. (Original) The method of claim 1, wherein the plurality of stages includes a develop stage during which the content item is formatted for inclusion in the content-controlled database.

16. (Original) The method of claim 1, wherein processing the content item through the content management process includes returning the content item to an earlier stage in the content management process in response to non-approval of the content item during the review stage.

17. (Original) The method of claim 1, wherein the content management process is performed by a group of entities, wherein selected entities are responsible for various stages of the content management process, and wherein processing the content item through the content management process includes, at each stage in the content management process, notifying the entity responsible for such stage.

18. (Original) The method of claim 17, wherein notifying each entity comprises sending such entity an electronic message.

19. (Original) The method of claim 1, wherein promoting the content item includes copying the content item to a web server.

20. (Original) The method of claim 19, wherein copying the content item to the web server includes copying the content item to a staging server, the method further comprising

Claims Appendix: Claims on Appeal 09/871,920

copying the content item from the staging server to a production server automatically during automatic synchronization of the staging and production servers.

21. (Original) The method of claim 1, further comprising, after approval of the content item, deferring promotion of the content item until a predetermined date identified in the content management record.

22. (Once Amended) The method of claim 21, wherein deferring promotion of the content item until the predetermined date identified in the content management record includes:

(a) periodically comparing a current date against the predetermined date identified in the content management record after approval of the content item is obtained; and

(b) promoting the content item when the current date matches the predetermined date identified in the content management record.

23. (Original) The method of claim 1, further comprising initiating an update review process after the content item has been promoted.

24. (Original) The method of claim 23, wherein initiating the update review process includes notifying an author associated with the content item.

25. (Original) The method of claim 23, further comprising, after promotion of the content item, periodically comparing a current date with an update review date identified in the content management record, wherein initiating the update review process is performed in response to the current date matching the update review date identified in the content management record.

26. (Once Amended) The method of claim 23, wherein initiating the update review process includes reminding the author a time period after the update review process has been initiated if the update review process has not yet been completed.

Claims Appendix: Claims on Appeal 09/871,920

27. (Once Amended) The method of claim 23, wherein initiating the update review process includes reminding a reviewer a time period after the update review process has been initiated if the update review process has not yet been completed.

28. (Once Amended) The method of claim 23, wherein initiating the update review process includes initiating demotion of the content item a time period after the update review process has been initiated if the update review process has not yet been completed.

29. (Original) The method of claim 1, wherein the content item is a parent content item, the method further comprising automatically initiating a review of a child content item linked to the parent content item in response to modification of the parent content item.

30. (Original) The method of claim 29, wherein the parent content is associated with at least one of a first country, a first region, and a first language, and wherein the child content item is associated with at least one of a second country, a second region, and a second language.

31. (Original) The method of claim 29, wherein the content management document is a parent content management document, the method further comprising building a child content management document linked to the child content item using at least a portion of the content management information in the parent content management document.

32. (Once Amended) An apparatus, comprising:

(a) a memory;

(b) a content management record resident in the memory, the content management record linked to a content item in a content-controlled database, the content management record storing content management information associated with the content item; and

(c) a program tangibly embodied on a computer executable medium, configured to process the content item through a plurality of stages of a content management process that includes at least one review stage during which approval of the

Claims Appendix: Claims on Appeal 09/871,920

content item is obtained, and to update the content management information stored in the content management record during each stage of the content management process, wherein the program is further configured to promote the content item as a result of the content management process such that the content item is user accessible from the content-controlled database, and to update the content management information stored in the content management record to indicate that the content item has been promoted.

33. (Original) The apparatus of claim 32, wherein the content management record comprises a groupware document, and wherein the program comprises a groupware application.

34. (Original) The apparatus of claim 32, wherein the program is configured to link the content management record to the content item by storing an identifier for at least one of the content item and content management record in the other of the content item and content management record, and wherein the program is configured to store content management information from the content management document in the content item.

35. (Original) The apparatus of claim 32, wherein the content-controlled database comprises a web site accessible via the Internet, the apparatus further comprising a content management database within which is stored the content management record, the content management database having resident therein a plurality of content management records, each of which linked to at least one content item from the content-controlled database.

36. (Original) The apparatus of claim 32, wherein the program is configured to update the content management information stored in the content management record during each stage of the content management process by updating a status in the content management record that is associated with a current stage of the content management process.

37. (Original) The apparatus of claim 32, wherein the plurality of stages includes at least one of a draft stage, an approval stage and a develop stage, wherein during the draft stage an author inputs content management information into the content management record, during the

Claims Appendix: Claims on Appeal 09/871,920

approval stage a content manager having responsibility for all of the content in the content-controlled database reviews the content item, and during the develop stage the content item is formatted for inclusion in the content-controlled database.

38. (Original) The apparatus of claim 32, wherein the plurality of stages includes at least one of a topic review stage, a legal review stage, and a country review stage, wherein during the topic review stage at least one topic owner associated with a topic reviews the content item based upon such topic, during the legal review stage at least one legal entity reviews the content item based upon legal requirements, and during the country review stage at least one country-related entity reviews the content item based upon country-specific requirements.

39. (Original) The apparatus of claim 32, wherein the program is configured to process the content item through the content management process by returning the content item to an earlier stage in the content management process in response to non-approval of the content item during the review stage.

40. (Original) The apparatus of claim 32, wherein the content management process is performed by a group of entities, wherein selected entities are responsible for various stages of the content management process, and wherein the program is configured to process the content item through the content management process by, at each stage in the content management process, notifying the entity responsible for such stage by sending the entity an electronic message.

41. (Original) The apparatus of claim 32, wherein the program is further configured to, after approval of the content item, defer promotion of the content item until a predetermined date identified in the content management record.

42. (Once Amended) The apparatus of claim 41, wherein the program is configured to defer promotion of the content item by periodically comparing a current date against the predetermined date identified in the content management record after approval of the content

Claims Appendix: Claims on Appeal 09/871,920

item is obtained and promoting the content item when the current date matches the predetermined date identified in the content management record.

43. (Original) The apparatus of claim 32, wherein the program is further configured to initiate an update review process after the content item has been promoted by notifying an author associated with the content item.

44. (Original) The apparatus of claim 43, wherein the program is further configured to, after promotion of the content item, periodically compare a current date with an update review date identified in the content management record, and to initiate the update review process in response to the current date matching the update review date identified in the content management record.

45. (Once Amended) The apparatus of claim 43, wherein the program is further configured to remind at least one of the author and a reviewer a time period after the update review process has been initiated if the update review process has not yet been completed.

46. (Once Amended) The apparatus of claim 43, wherein the program is further configured to initiate demotion of the content item a time period after the update review process has been initiated if the update review process has not yet been completed.

47. (Original) The apparatus of claim 32, wherein the content item is a parent content item, and wherein the program is further configured to automatically initiate a review of a child content item linked to the parent content item in response to modification of the parent content item.

48. (Original) The apparatus of claim 47, wherein the parent content is associated with at least one of a first country, a first region, and a first language, and wherein the child content item is associated with at least one of a second country, a second region, and a second language.

Claims Appendix: Claims on Appeal 09/871,920

49. (Original) The apparatus of claim 47, wherein the content management document is a parent content management document, and wherein the program is further configured to build a child content management document linked to the child content item using at least a portion of the content management information in the parent content management document.

50. (Once Amended) A program product, comprising:

(a) a program configured to process a content item from a content-controlled database by processing the content item through a plurality of stages of a content management process that includes at least one review stage during which approval of the content item is obtained, and updating content management information associated with the content item and stored in a content management record linked to the content item during each stage of the content management process, wherein the program is further configured to promote the content item as a result of the content management process such that the content item is user accessible from the content-controlled database, and to update the content management information stored in the content management record to indicate that the content item has been promoted; and

(b) a computer readable medium bearing the program.

51.-58. (Canceled).

59. (Added) A method of providing a content management service for managing content in a content-controlled database, the method comprising:

(a) providing a service for linking a content management record to a content item to be incorporated into a content-controlled database, the content management record storing content management information associated with the content item;

(b) providing a service for processing the content item through a plurality of stages of a content management process, wherein the service for processing the content item is configured to update the content management information stored in the content management record during each stage of the content management process, wherein the

Claims Appendix: Claims on Appeal 09/871,920

plurality of stages includes at least one review stage during which approval of the content item is obtained; and

(c) providing a service for promoting the content item as a result of the content management process such that the content item is user accessible from the content-controlled database, including updating the content management information stored in the content management record to indicate that the content item has been promoted.